

### REMARKS

The enclosed is responsive to the Examiner's Office Action mailed on January 6, 2009. At the time of the Office Action, claims 1-17 were pending. By way of the present response, applicants have: 1) amended claims 1, 5, 7-9, and 13; 2) added no claims; and 3) canceled claims 2, 6, 10, and 14-15. As such, claims 1, 3-5, 7-9, 11-13, and 16-17 are now pending. Reconsideration of this application as amended is respectfully requested.

### Claim Rejections – 35 U.S.C. §101

Claims 9-17 stand rejected under 35 U.S.C. §101 as being directed to non-statutory subject matter. The Office Action alleges that the claims recite steps without hardware components such as a memory and processor to execute the steps.

Regarding claims 9, 11, and 12, applicants have amended the claims to recite a processor and a memory. Applicants submit that no new matter has been added. Support for the amendment can be found in the specification as originally filed, for example, page 10, line 27 – page 11, line 2.

Regarding claims 13, 16, and 17, applicants respectfully submit that the claims recite a network switching device and a controller card, both of which provide the necessary physical structure.

Accordingly, applicants respectfully submit that rejection under 35 U.S.C. §101 has been overcome.

Claim Rejections – 35 U.S.C. §103

Claims 1, 3-5, 7-9, 11-14, and 16-17 stand rejected under 35 U.S.C. §103(a) as being unpatentable over the background section of the present application (hereinafter “Background”) in view of U.S. Patent No. 5,806,078 (hereinafter “Hug”).

Applicants thank the Examiner for indicating that claims 2, 6, 10, and 15 contain allowable subject matter. Applicants have amended independent claims 1, 5, 9, and 13 to include the allowable subject matter from claims 2, 6, 10, and 15.

Accordingly, applicants respectfully submit that the rejection of claims 1, 5, 9, and 13 has been overcome.

Given that claims 3-4, 7-8, 11-12, and 16-17 are dependent claims with respect to claims 1, 5, 9, and 13, either directly or indirectly, and include additional features, applicants respectfully submit that the rejection of claims 3-4, 7-8, 11-12, and 16-17 has been overcome.

### **CONCLUSION**

Applicants respectfully submit that in view of the amendments and arguments set forth herein, the applicable rejections have been overcome. Applicants reserve all rights under the doctrine of equivalents.

Pursuant to 37 C.F.R. 1.136(a)(3), applicants hereby request and authorize the U.S. Patent and Trademark Office to (1) treat any concurrent or future reply that requires a petition for extension of time as incorporating a petition for extension of time for the appropriate length of time and (2) charge all required fees, including extension of time fees and fees under 37 C.F.R. 1.16 and 1.17, to Deposit Account No. 02-2666.

Respectfully submitted,

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